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Attorneys for Defendant  
 CITY OF BERKELEY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY GARDNER,

Plaintiff,

vs.

CITY OF BERKELEY,

Defendant.

Case No. C10-03410 EMC

DEFENDANT CITY OF BERKELEY'S  
 OBJECTIONS TO EVIDENCE AND THE  
 DECLARATION OF CHRISTINE  
 KNOWLTON SUBMITTED IN SUPPORT  
 OF PLAINTIFF'S OPPOSITION TO CITY'S  
 MOTION FOR SUMMARY JUDGMENT,  
 OR IN THE ALTERNATIVE, SUMMARY  
 ADJUDICATION.

Material Objected To	Grounds for Objection	Ruling on the Objection
Declaration of Christine Knowlton In Support of Plaintiff Timothy Gardner's Opposition to Summary Judgment ¶ 1 "As part of receiving a disability retirement and pension, I was required by the City of Berkeley to sign a document stating that I was resigning from the police department."	Declarant's statements regarding the content of a writing are inadmissible to prove the contents of the writing per the best evidence rule. (Fed. R. Evid. ("FRE") 1002).	Sustained: _____  Overruled: _____

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1 City will respectfully request the court at the hearing on the motion to sustain the above  
2 objections and to strike the evidence referred to above.

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4 Dated: December 7, 2011.

Respectfully submitted:

5 ZACH COWAN, City Attorney  
6 MARK J. ZEMBSCH, Deputy City Attorney

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8 By: /s/  
9 MARK J. ZEMBSCH, Deputy City Attorney  
10 Attorneys for City of Berkeley  
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